

THE
Publishers' Weekly
A JOURNAL
SPECIALLY DEVOTED TO THE INTERESTS OF THE

BOOK AND STATIONERY TRADE.

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F. LEYPOLDT, EDITOR AND PUBLISHER, 37 PARK ROW, NEW-YORK.

VOL. VII. No. 17. NEW-YORK, Saturday, April 24, 1875. WHOLE No. 171.

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The Publishers' Weekly.

APRIL 24, 1875.

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NOTES IN SEASON.

THAT interesting work on "The Chemistry of Light and Photography," by Professor Vogel, in the International Scientific Series; Mrs. Stevenson's book on "Boys and Girls in Biology," in very attractive binding, and with many illustrations, and "Our Mutual Friend," in the English Household edition of Dickens, are underscored for publication at the Appletons. The book on biology interprets to the young Prof. Huxley's recent lectures, and has his approval of its plan; the writer, an American lady, who was for some time his pupil, tells the story of the lower forms of life in clear and simple style, and with an aptness of every-day illustration that makes a difficult subject plain and easy.

LOVERS of good horses will thank the Messrs. Osgood for a pleasant addition to the literature to which Winthrop contributed so happily. "Whip and Spur," by Colonel George E. Waring, Jr., who commanded a Missouri cavalry regiment, is made up of eight dashing papers on horses, riding and hunting, that take the heart of every lover of the open air. Several of them have been printed in the *Atlantic*.

PROF. BURT G. WILDER's book on the reproductive function, "What Young People should Know," is just ready at Estes & Lauriat's, and it should be said for it that its purpose of supplanting quack literature is well carried out by its careful avoidance of any salaciousness of

treatment, although it is cumbered somewhat by technical discursions and undesirable appendices. The writer quotes as a motto, "Well-stated information never yet contributed to human inflammation," and he certainly has been very careful in conveying delicate but often-needed information.

"HOME Sketches in France," by the late Mrs. Henry M. Field, which the Putnams have about ready, is an exceedingly pleasant volume, that will entertain all readers. She was one of the brightest of writers as well as talkers, and always knew what to write and talk about.

DODD & MEAD's next publication day will cover their new Pioneer book, "La Salle, the Discoverer of the Mississippi," by Rev. J. S. C. Abbott; the new work on metaphysics, by Rev. John Miller, D.D., of Princeton; and the Moody and Sankey book, which Rev. John Hall and George H. Stuart, Esq., have compiled.

A CHEAPLY gotten-up abridged edition of "The Last Journals of David Livingstone," having been issued by a Hartford subscription house, at \$2.50, with a small map of double-page size, the Harpers will publish shortly a cheaper edition of the complete work, on which they pay copyright to the family, also at \$2.50. They have about ready also American editions of those two notable books, Green's "Short History of the English People," and Macready's "Reminiscences," which they will publish at \$1.75. "The Rape of the Gamp," the light English novel, which has been running through the *Monthly*, with illustrations by Fredericks, and "Alice Lorraine," a promising tale of the South Downs, in England, by R. D. Blackmore, are the new novels at hand. Bishop Haven's Mexican book, "Our Next-Door Neighbor," may be expected next week; the text and the seventy illustrations, several of them full-page, are very beautifully printed, and the book is exceedingly entertaining.

DR. A. THOLUCK's "Hours of Christian Devotion," the noted German meditational work, will be brought out by the Scribners in a few days. It was written by Dr. Tholuck, who is Professor of Theology in Halle, to do in religion for these days what the "Imitation of Christ" did for its age. At the same time will be issued a new edition, with the steel plates, of J. T. Headley's "Sacred Mountains and Scenes," of which book nearly 75,000 copies have been sold.

THE Rev. Petroleum V. Nasby's new and important work is nearly ready at Lee & Shepard's. It is not intended exclusively for the clergy, but will edify the public at large. The "Morals of Abou Ben-Adhem" are very improving, and Mr. Locke's rollicking satire is as usual turned to good purpose. The book makes a convenient 12mo and ought to have a good run.

THE Scribners promise Marion Harland's second Common-Sense book, "Breakfast, Luncheon, and Tea," in May. It will have a host of fresh recipes, and more of the sound advice for housekeepers that proved so useful and popular a feature of the first. These minor meals, which bother housekeepers no little, are too often neglected in kitchen literature, and this book ought to do no less well than its famous predecessor. Lee & Shepard also have a new cook-book, "In the Kitchen," nearly ready. It is by a daughter of Gerrit Smith, Mrs. Miller.

ALPHABETICAL LIST OF BOOKS JUST PUBLISHED.

The Prices in this List are for cloth lettered, unless otherwise indicated. Imported books are marked with an asterisk: Authors' and Subscription Books, or Books published at net prices, with two asterisks.

- Abbott.**—Paragraph History of the United States, from the Discovery of the Continent to the Present Time. With brief Notes on Contemporaneous Events. By Rev. Edward Abbott. Sq. 18°. 50 c. *Roberts.*
- Abbott.**—Convert Culture. By Granville S. Abbott. 18°, pp. 65. Pap., 8 c. *Am. Bap. Pub. Soc.*
- Alger.**—The Young Outlaw. A Story of Street Life in New-York. By Horatio Alger, Jr. 16°. \$1.25. *Loring.*
- Baker.**—Point-Lace and Diamonds. Poems by George A. Baker, Jr. With illustr. by Addie Ledyard. Sq. 12°, pp. 132. \$3. *Patterson.*
- Balmes.**—The Criterion; or, How to detect Error and arrive at Truth. By Rev. J. Balmes. Transl. by a Catholic Priest. 12°, pp. 320. \$1.50. *O'Shea.*
- Bancroft.**—The Native Races of the Pacific States of North-America. By Hubert Howe Bancroft. Vol. 2. Civilized Nations. 8°, pp. x, 805. \$5.50; shp., \$6.50; hlf. calf and half russia, \$8; full russia, \$12. *Appleton.*
- Bernard, Father, Life of.** See Claessens.
- Best Reading (The).** Hints on the Selection of Books; on the Formation of Libraries, Public and Private; on Courses of Reading, etc. With a classified Bibliography for easy Reference. Revised, enlarged, and continued to December, 1874. 12°, pp. 345. \$1.50; pap., \$1. *Putnam.*
- Burdocks and Daisies.** 18°, pp. 48. 25 c. *Am. Tract Soc.*
- Butler.**—Projectiles and Rifled Cannon. Systems of Projectiles and Rifling, with practical Suggestions for their Improvement, as embraced in a Report to the Chief of Ordnance, U. S. A. By Captain John G. Butler, Ordnance Corps, U. S. A. With Appendix containing the Report of the Board on experimental Rifled Guns on the Proof of an Eight-inch Converted Rifle. Illustr. by thirty-six lithographic plates. 4°, pp. 164. \$7.50. *Van Nostrand.*
- Calvert.**—Essays Aesthetic. By George H. Calvert. 12°, pp. 264. \$1.50. *Lee & S.*
- Claessens.**—The Life of Father Bernard, Missionary Priest of the Congregation of the Most Holy Redeemer. The Apostolate of a Redemptorist. By P. Claessens, Canon of the Metropolitan Church of Mechlin. Transl. from the French. 12°, pp. 323. \$1.50. *Cath. Pub. Soc.*
- Clark.**—A Brief Narrative of the Principal Transactions of April 19, 1775. By Jonas Clark, Pastor of the Church in Lexington. With Heliotype Fac-similes of Four Engravings of Scenes in Lexington and Concord, made and published in 1775. Large 4°. \$5. *Osgood.*
- Derry.**—History of the United States, for intermediate Schools. By Joseph T. Derry. With numerous illustr. 12°. Hlf. roan, \$1.50. *Lippincott.*
- Dickens.**—Our Mutual Friend. By Charles Dickens. *Chapman & Hall's new Household ed.* Illustr. Sq. 8°. \$1.75; pap., \$1.25. *Appleton.*
- Donnelly.**—Domus Dei: A Collection of religious and memorial Poems. By Eleanor C. Donnelly. Published for the Benefit of the Church of St. Charles Borromeo. Large 12°, pp. 106. \$1.50. *Cunningham.*
- Edward, Henry.** See Manning.
- Floy Lindsley and her Friends.** By the Author of "A Summer in the Forest." 16°, pp. 296. \$1.25. *Am. Tract Soc.*
- Fullerton.**—Mrs. Gerald's Niece. A Novel. By Lady Georgiana Fullerton. 8°, pp. 178. \$1.50. *Sadlier.*
- Gross.**—A Tract for the Missions on Baptism as a Sacrament in the Catholic Church. By Rev. M. S. Gross, Priest of the Missions of North-Carolina. Being the Substance of a Lecture delivered at St. Mark's Church, North-Carolina, Nov. 29, 1874, and published by request. A. M. D. G. 16°, pp. 47. Pap., 25 c. *Cath. Pub. Soc.*
- Grosser.**—Joshua and his Successors: An Introduction to the Books of Joshua, Judges, Ruth, and Samuel I. With Notes Critical and Illustrative. By William H. Grosser, B.Sc. (Lond.), author of "Our Work," "Ready for Work," etc. Part II. 12°, pp. 176. \$1. *Nelson & Sons.*
- Hartley.**—Prayer and its Relation to Modern Thought and Criticism. A Course of Lectures delivered before the Theological Seminary and Rutgers College, at New-Brunswick, New-Jersey. By Isaac S. Hartley, D.D. 12°, pp. 257. \$1.50. *Ref. Ch. Bd. of Pub.*
- Keetels.**—An Illustrated Child's First Book in French. By Prof. Jean Gustav Keetels, author of "Elementary French Grammar," etc. 12°, pp. 143. \$1. *Clark & M.*
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- A Fac-simile of Mrs. Palmer's Handwriting, and the last Communication that her busy Hand ever wrote for the Christian Public. 8°. Pap., 25 c. *Palmer.*
- Phinney.**—History of the Battle at Lexington, on the Morning of the 19th April, 1775. By Elias Phinney. Boston: Printed by Phelps and Farnham, No. 5 Court street. 1825. [Reprint.] With illustr. 8°, pp. 40. Pap., 25 c. *Noyes, H. & Co.*
- Sargent.**—Public Men and Events, from the Commencement of Mr. Monroe's Administration, in 1817, to the Close of Mr. Fillmore's Administration, in 1853. By Nathan Sargent ("Oliver Oldschool"). 2 vols. 8°. \$6. *Lippincott.*
- Spangler.**—The Physician's Wife. A Novel. By Helen King Spangler. 12°, pp. 305. \$1.50. *Lippincott.*
- Tillotson.**—History of Palestine and the Holy Land. By John Tillotson, M.A. With a History of the Crusades, compiled by William and Robert Chambers. Illustr. and with maps. 8°, pp. xvi, 428, 41. \$3. *Worthington.*
- Voorhees.**—Speeches of Daniel W. Voorhees, of Indiana, embracing his most prominent forensic, political, occasional, and literary Addresses. Compiled by his Son, Charles S. Voorhees. With a short biographical Sketch. 8°, pp. xii, 585. \$5. *Clarke.*
- Wakeley.**—The American Temperance Cyclopædia of History, Biography, Anecdote, and Illustration. By Rev. J. B. Wakeley, D.D. 8°, pp. 243. \$2. *Nat. Temp. Soc.*
- Westropp and Wake.**—Ancient Symbol Worship. Influence of the Phallic Idea in the Religions of Antiquity. By Hodder M. Westropp and C. Staniland Wake. With an Introd., additional Notes, and an Appendix. By Alexander Wilder, M.D. Second ed. Illustr. 8°, pp. 93. \$3. *Bouton.*
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- Whitney.**—The Yosemite Guide-Book. A Description of the Yosemite Valley and the adjacent Region of the Sierra Nevada, and of Big Trees of California. By Prof. J. D. Whitney, State Geologist of California. New ed., revised and corrected. With four maps. 18°. \$1.50. *Little, B. & Co.*
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Worship, 2d ed.	\$3.00	[reprint].....	Pap. 25
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J. B. LIPPINCOTT & Co., Philadelphia.		Best Reading, new ed.....	\$1.50 ; pap. 1.00
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JAMES A. MCGEE, New-York.		Ghost.....	1.50
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Wakeley, Am. Temperance Cyclopædia..	2.00	U. D. WARD, New-York.	
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Grosser, Joshua and his Successors, part 2.	1.00	quarter.....	Pap. 25
		R. WORTHINGTON & Co., New-York.	
		Tillotson, Hist. of Palestine.....	3.00

ANNOUNCEMENTS OF FORTHCOMING PUBLICATIONS.

RESOLVED, That this Convention recognize the PUBLISHERS' WEEKLY as the established organ of the entire trade, and recommend it to publishers as the medium through which they should make their "first announcement" of books they propose to publish, and the full title of all books immediately on publication.—AMERICAN BOOK TRADE ASSOCIATION.

H. D. BROWN & CO., Boston.

The Baptist Denomination. By Rev. D. C. Haynes. Centennial ed. 12°, pp. 350. \$1.50. (May 10.)

ROBERT CARTER & BROS., New-York.

Three Little Brothers. By Emma Marshall.

Twelve Months in Madagascar. By Dr. Mullen.

Missionary Life in Ashantee. By Ramseyer and Kulme.

Nurses for the Needy. By L. N. R.

The Golden Chain. By the Author of "Memorials of Capt. Vicars."

R. CLARKE & CO., Cincinnati.

A Treatise for Justices, Mayors, Constables, and Business Men in the State of Ohio. With practical Forms, etc. By Hon. Joseph R. Swan. Tenth ed., revised and enlarged. 8°.

The Law of Municipal Corporations in the State of Ohio. Embracing all the Statutes in force April, 1875, with Notes of the Decisions of the Supreme and other Courts of the State relating thereto. By Hiram D. Peck. 8°.

A Practical Treatise on the Law relating to the Powers and Duties of Justices of the Peace, Clerks of Circuit and County Courts, Sheriffs, Constables, Jailers, and Coroners, in the State of Kentucky, with all needful Forms, etc. By Hon. Richard H. Stanton. Second ed., revised and enlarged. 8°.

The Public Statutes at Large of the State of Ohio, from the Close of Curwen's Statutes, March, 1860, to the Present Time. Arranged in chronological Order, with References to the Judicial Decisions construing those Statutes. Edited by J. R. Saylor. 3 vols. 8°.

CHARLES DESILVER & SONS, Phila.

Sanderson's Biography of the Signers to the Declaration of Independence. Revised and edited by the Hon. Robert T. Conrad, author of "Conrad of Naples," etc. 8°. (Jan., 1876.)

ELDREDGE & BRO., Phila.

Christian Ethics; or, The True Moral Manhood and Life of Duty. By D. S. Gregory, D.D., Prof. of Moral Science, Univ. of Wooster, Ohio. 12°. \$1.50.

A. F. GRAVES, Boston.

The New Birth; or, The Work of the Holy Spirit. By Prof. Austin Phelps, D.D., author of "The Still Hour." 16°, pp. 253. \$1.25.

W. B. KEENE, COOKE & CO., Chicago.

Claude Melnotte as a Detective, and other Stories. By Allan Pinkerton. Illustr. with 22 full-page engr. 12°. \$1.50.

The Mysteries of the Mind and the Heart Explained. An improved System of Phrenology, Mesmerism, Trance and the Spirit Delusion, Ghost-seeing and Mind-reading. By J. Stanley Grimes. Numerous illustr. Forming vol. 1, "Science for the People."

Not "My Way or None."

WE know of no ill-humor on our part in any connection with the reform movement, and we take it for granted that we have no need, at this date, to defend to the trade the honesty of our opinions. But the Messrs. Lippincott's letter, printed elsewhere, aside from any imputations in these directions, charges us so directly with vacillation and tergiversation, that a reply to this part seems desirable in connection with what we have to say upon the general subject. It is perhaps the misfortune of those endeavoring to present non-partisan opinions, that they are apt to be misunderstood—often by both sides. What we *try* to give expression to, is the best interest of the whole trade, aside from any questions of class, section, or house, and with the best light we can get from all quarters.

It seems to us that the mistake of the accusation which the Messrs. Lippincott bring against us, as of their position in general, is that it ignores all but a part of the facts. It appears as though most of what we have been saying for a month back had been skipped by the writer of the letter, just as the brief note of acknowledgment, printed in our last, ignored most of the letter which called it forth. What is said and what is done in the reform must be judged in the light of what else has been said and done: history can not be ignored. And we do not think our correspondents do well in impugning, at this date, the motives of members of the trade who have been associated with the reform so continuously and thoroughly. That the one house which for so long declined to co-operate with the trade should now suggest that the resolution agreed upon by all the leading houses of the Eastern regular trade, save themselves, was signed "for appearances only," is a slur which does not honor them.

We heartily and cordially accepted the Messrs. Lippincott's letter of March 23, because its platform, with the minor emendations which we naturally left to the second part of our remarks upon it, is one in which we did and do believe, and still more because it seemed to indicate that they at last felt the force of the reform movement, and were willing to co-operate with the trade. To our view, this assured the triumph of the reform. We did not want to do them what we hoped would be the injustice of supposing that they meant "their way or none." That has not been our notion of standing by the trade or co-operating with it. We shook hands cordially over their letter, which seemed to us, as we said immediately afterward, on our first opportunity after congratulating them, to

mean every thing or nothing, and which we certainly hoped meant every thing. We spoke strongly in favor of the immediate adoption of this better plan which they had brought forward, and said that even in school-books, "with general concurrence, there is no reason why this should not be brought about." We said that any house that should hesitate to give in its adherence, would stamp itself as in opposition to the trade, and we may say that we still hold that declination to sign the new platform would be hostile to the interests of the trade, although it is frankly to be acknowledged that we were premature in using the word "hesitate." Certain facts which afterward came to light, among them the denominational laws behind the religious publication societies, showed that, anxious as the leaders of the reform were to reach the new platform, there were difficulties in the way of its immediate operation. We never held our opinion so stubbornly as to be beyond the reach of new facts; if that be vacillation, "make the most of it."

We could have wished to have seen a meeting of the Central Association, and an endeavor made to procure the signatures for the new platform. But its strongest supporters, it proved, believed that until the new force of the next convention, this would be labor lost, and heartily pledging their co-operation with the Messrs. Lippincott then, they addressed a letter to them, asking them to adhere during that brief time to a resolution which all but they, among the leading houses of the general trade, had agreed to. In response to that letter came only a curt acknowledgment which ignored nearly all that had been so courteously said, as their present letter ignores most of our editorial remarks. These new facts, again, put a new face upon the spirit of the Messrs. Lippincott's letter of March 23d. Our only essential "vacillation," if such it be, was from over-much reliance, if such their action proves it to be, on the co-operative spirit which we hoped their letter foreshadowed.

Those whose honesty in this reform can not be doubted by reflective people, generally agree, contrary, as we have said, to our first impression, that, because of certain facts newly brought forward, the advanced platform can not be made general *before the next convention*. They believed it would therefore be unwise, would put things back instead of forward, to attempt it. True, "a very large majority of the trade" are with the Messrs. Lippincott in believing that the advanced platform is, with one or two emendations, the true one to reach. The majority is *not* with them, and particularly those who know most of the

growth of the reform movement—in believing that the reform just now possible should be blocked by their insistence on “their way or none.” It can not be forgotten that a vast improvement waits only their signature to be made immediately effective. We hope they will not hold aloof. The admitted flaws in the old resolution that would be brought out by time are not dangerous *ad interim*. While they are holding off to argue their plan, they are losing to all the trade a great benefit. We want nothing better than to sing their praises again, and we hope they will not be so ungracious as to take us to task for giving their letter a complimentary construction which they do not seem willing to admit.

AN article elsewhere, on the legal aspects of copyright, will give most of our readers facts which will be new to them. It is written by Mr. Rowland Cox, of the firm of Cox & Cox, 234 Broadway, who are making a specialty as attorneys and counselors in trade-mark and copyright cases. This is a department which may well receive special attention, and we are glad to see it cultivated as such.

LETTERS TO THE EDITOR.

The interests of the trade can not be better served, than by a full discussion by its members of all questions which affect it. Our columns are always open to communications on any such subject, provided they be brief and suggestive, and we cordially invite the trade to express any suggestions or opinions of interest or value in “Letters to the Editor.”

From the Messrs. Lippincott.

PHILADELPHIA, April 19, 1875.

To the Editor of the Publishers' Weekly:

DEAR SIR: We are much surprised by the tenor of the editorial appearing in the PUBLISHERS' WEEKLY for April 17th, and the vacillation displayed by your comments is alike astonishing.

When our letter recently appeared, proposing the adoption of retail prices, without *class* exceptions, you expressed your unqualified approval of the plan, and stated that “any house that should hesitate to give its adhesion to this platform would stamp itself, instead of Messrs Lippincott & Co., as in opposition to the trade.” The facts remain unchanged; and why you should ignore this position, and advocate the adoption of another plan, which you admit is not as satisfactory as ours, is incomprehensible to us. The plan we proposed is *eminently practicable* (while that submitted by the committee of the Association manifestly is not), and fully responds to the wants of the general trade, as is evinced by written and

verbal assurances we have received from booksellers in various parts of the country.

There is no occasion whatever to await the action of the Association in order that the plan we suggested may go into operation, and we can not regard a representation that such a delay is necessary but as a mere excuse to evade co-operation in the movement.

It would be a very easy matter for the chairman of the committee to at once address a circular letter to the publishers and booksellers of the larger Eastern cities, asking their adoption, on the 1st of June, or sooner if preferable, of full retail prices to all buyers outside the trade, excepting libraries, school-teachers, and other parties, purchasing to the amount of \$100, net, at one time, to whom a maximum discount of twenty per cent might be allowed.

It will, at least, thus be ascertained whether those houses so active in the adoption of the Association's resolution really have the interests of the trade at heart, and *mean* to give this attempt at reform a *fair trial*; or whether, knowing that the plan was so full of faults that it amounted to nothing, it was signed for *appearances only*.

We fully appreciate that some sacrifices (at least, they may be so regarded) are necessary on the part of the publishers; but every interest at all affected by the plan we propose is represented in our business, and therefore we ask no more than we cheerfully give, in view of the earnest desire of the trade to return to full retail prices.

We have considered this question very carefully in all its bearings, and feel satisfied that the views expressed in our letters (appearing in the PUBLISHERS' WEEKLY of March 6th and 27th) are in accord with those of a very large majority of the trade.

We fully agree with you that “letter-writing does no good,” and would likewise suggest that editorial writing is equally useless when not directed to the support of what is right and just, and acknowledged to be so.

Yours respectfully,
J. B. LIPPINCOTT & Co.

AN unfortunate misprint marred the force of a sentence in the excellent letter of our correspondent, “Facts,” last week. It should have read: “If every bookseller who gets a book into his store billed at \$1 would but consider that the actual cost of that book is \$1.20, and that on all he sells of books bought at one-third *at* (and not ‘or’) even one-fifth off, he is making no actual profit, but is getting out his expenses as well as the cost, he might be more careful how he lets out his stock at what may appear a profit, but is, in fact, an actual loss when figured with the expense account.”

At the annual meeting of the Lotos Club, held April 1st, a committee, consisting of Messrs. Whitelaw Reid, John Brougham, John Elderskin, A. Oakey Hall, and Thomas W. Knox, was appointed to co-operate with those who in this and other countries are endeavoring to secure international copyright laws covering literary, artistic, musical, and dramatic works.

Of the Right of Property in Designations of Books.

BY ROWLAND COX, COUNSELOR-AT-LAW.

(Contributed to the PUBLISHERS' WEEKLY.)

APART from the provisions of the statute concerning copyrights, there are a number of features, which are incidental to the manufacture of books, that are the subjects of title at common law. While an exhaustive legal classification and discussion of these incidents is not here practicable, their salient points may be hastily touched upon.

Whatever right of property there is in any symbol or word, wherever found, or in any thing that serves to individualize an article, depends upon principles analogous to those which underlie the law of trade-marks.

But the name of a book is never a trade-mark, and can not be. For if it is, it is a common-law right which is of the same force in Great Britain as in the United States, and the author may protect it in both countries. This he can not do, for the reason that the right to *print* a literary composition involves the right to *call it what it is*. Or, as has been decided, where a copyright fails, the right to the name of the work fails also, the two becoming *publici juris* at the same time. There would be both fraud and confusion in an American reprint of "Ivanhoe" under the title of "The Knight of the Black Plume," and yet no remedy of any sort. But to publish the story of "Uncle Tom's Cabin" under the title of "Aunt Chloe's Home" would be an invasion of the copyright law; while to print another novel under the name of "Uncle Tom's Cabin" would be an injury involving a remedy of an entirely different nature. In the instance last mentioned there would be no violation of the copyright, but an infraction, to all intents and purposes, of a trade-mark—at least an infraction of a common-law right.

But how can the injury be an invasion of a right at common law, and yet be confined to this country? The answer to this is that the exclusive right flows from a statutory privilege. The author acquires the sole right to *print* the book, and the sole right to *call it by its proper name* is an inseparable incident which remains in him, *ex necessitate rei*, as long as he alone can produce it. The sale of another book under the name of one which no other person has the right to sell, is a misrepresentation accompanied by a loss of sales, and an actionable injury under the principles which govern the law of trade-marks. The theory is not unlike that laid down in the well-known Congress-Spring case, in which it was decided that the word "Congress," when applied to water, was the property of the proprietors of Congress Spring, because "Congress water" could only be obtained from Congress Spring, and Congress Spring belonged to the plaintiffs.

But it is quite apparent that, in order to be susceptible of protection, the title of a book must be distinctive, and not descriptive. That is, it must be original in itself, or in its application, and not a mere statement of a fact that would be equally true of other and different books. To illustrate: "The Life of Thackeray" could not be monopolized, as it is a mere

statement of a fact that is essentially *publici juris*; but "Evenings with Thackeray" would be of an entirely different nature, and analogous to a trade-mark, the words being invested with a secondary meaning, having relation to a particular volume, and which would be untrue in their application to any other.

In addition to the title, under the restrictions mentioned, the names of editions may be protected, as they are in a true sense trade-marks; but, in respect of designations of this class, the same doctrines obtain as in the case of other trade-marks, and they are without legal qualities unless of an arbitrary nature at the time of their application. Thus, "The Riverside Edition" is good as a mark irrespective of the copyright law. "Bric-à-Brac Series" would have been equally valid had it been used to denote an *edition*, the edition of a particular house, and not as a *title* to signify a particular *collocation*. But "American Edition" would be without a single element of force.

The imprint of the publisher is, of course, in the nature of a trade-mark, and his technical mark, which consists usually of a symbol or monogram, is a radical example of the true trade-mark.

Beyond these features—the title, names of editions or series, imprint, and technical mark—there is no right of property at common law.

The statutory provisions touching designs afford a means of protecting any original device that is stamped or otherwise applied to the cover or in the body of the volume. And these provisions may be taken advantage of by the citizens or subjects of the principal foreign nations as well as citizens of the United States. They include every thing that may be properly regarded as a design, from agate type to an elaborate combination for a folio title-page.

The copyright act has no true relation to any of the foregoing. Its object is to create a privilege in respect of the literary composition; and unless there be a piracy of this element of the book, its terms afford no remedy. Where there is a piracy of both the composition and title, as above intimated, there is a right of action for an invasion of the copyright; but under no circumstances is this the case where the former is not involved.

The leading points above stated have never been fully examined by the courts. They are, however, deductions that are based upon established principles, and will bear, it is believed, the closest criticism.

THE Putnams are to publish the series of etchings by Mrs. Eliza Greatorex, picturing "New-York from the Battery to Bloomingdale," already announced. The plates for the first part are prepared, and they hope to have this ready (including M. Despard's illustrative text) in about a month. It will contain views "Off the Battery" as a frontispiece; of "Castle Garden"; "Through the Trees of the Battery"; up Broadway from the Battery, including No. 1 Broadway; of New-York from Hobuck, after Robertson; of Old St. Paul's, from the river; and of "The Old Jersey Ferry-House." There will be altogether ten parts, issued at \$5 each.

BOOKS RECEIVED.

HARRY BLOUNT, by Philip Gilbert Hamerton. (Roberts Brothers.) The history of a boy's school-life, presenting the most charming and fascinating volume of reading for a boy's amusement. It carries Harry Blount's story to his entrance into life as a full-grown man, and contains both amusing and instructive passages of his various experiences. It will rank among the best books yet written for boys. 16mo, cloth, \$1.50.

POINT-LACE AND DIAMONDS, Poems by George A. Baker, Jr. (F. B. Patterson.) These verses are all, of course, "society" verses, as the title indicates. They are exceedingly clever and piquant, with just a dash of graceful satire. The exquisite get-up of the book, and the novelty of the binding, will obtain for it a good deal of notice. It is beautifully printed on heavy red-lined paper, and is embellished by a number of spirited sketches by Addie Ledyard. The binding is ornamented by what seems to be a real lace handkerchief thrown on the corner of the book. Small 4to, cloth, gilt, \$3.

MUSICAL COMPOSERS AND THEIR WORKS, by Sarah Tytler. (Roberts Brothers.) The plan of Miss Tytler's book is the same as that she pursued in "Old Masters" and "Modern Painters." It is a most agreeable mingling of fact and fancy, compiled from the most reliable sources. It is pleasant reading, and also an excellent text-book for young people's reference while pursuing a musical education. The largest space is given to Mozart, Beethoven, Mendelssohn, and Moscheles; but no one will cavil at this, as not a line but is filled with the most intense interest. 12mo, cloth, \$2.

STRIVINGS FOR THE FAITH. (A. D. F. Randolph & Co.) A number of lectures delivered under the auspices of the Christian Evidence Society. They are intended to combat some of the objections that are raised at the present day in reference to Christianity. They are severally entitled, "Difficulties on the Side of Unbelief in Accounting for Historical Christianity," by the Rev. G. F. Maclear, D.D.; "The Variations of the Gospels in their Relations to the Evidences and Truth of Christianity," by the Rev. T. R. Borks, M.A.; "The Apocryphal Gospels," by B. Harris Cowper; "The Evidential Value of the Early Epistles of St. Paul viewed as Historical Documents," by the Rev. Peter Lonner; "Lord Lyttleton on the Conversion of St. Paul," by the Rev. John Grillon; "Alleged Difficulties in the Moral Teachings of the New Testament," by the Rev. C. A. Row; "The Combination of Unity with Progressiveness of Thought in the Books of the Bible," by the Rev. J. H. Titcomb; "The Autobiography of John Stuart Mill," by W. R. Browne. 12mo, cloth, \$1.50.

FIRESIDE HOMILIES, by Henry Alford, D.D. (A. D. F. Randolph & Co.) These "fireside homilies," by the late Dean Alford, given to the world in book form, with the consent of his widow, are more biographical in tone than any other prose work we have from him. They give a most delightful insight to his own charming circle, and reproduce perfectly the Sunday evening conversations, with their artistic atmosphere, from which these homilies grew. They contain descriptions of a number of Raphael's Madonnas and other pictures of a religious na-

ture, which are full not only of a strong religious fervor, but show the keenest artistic appreciation. 16mo, cloth, \$1.

THE PHILOSOPHY OF NATURAL THEOLOGY, by the Rev. William Jackson. (A. D. F. Randolph & Co.) This essay gained a prize offered at Oxford for the best refutation of the materialism of the present day. It is original in thought and scholarly in finish, and embodies many sound arguments against the skepticism now so prevalent. The get-up of this volume, like all others we receive from the Randolphs, is specially noticeable. It is so thoroughly well done, both as to binding and printing, that it gives pleasure merely to handle it. 8vo, cloth, \$3.

ANNUAL RECORD OF SCIENCE AND INDUSTRY FOR 1874, edited by Spencer F. Baird, with the assistance of eminent men of science. (Harper & Brothers.) The "Record" is more especially designed for general readers. It presents a summary of scientific and industrial progress during the past year, and, in concise paragraphs, the results of investigations by special scientists, or respecting certain subjects. It also contains a full and valuable list of prominent publications on scientific subjects, which were issued during 1874. 12mo, cloth, \$2.

MOHAMMED AND MOHAMMEDANISM, by R. Bosworth Smith, M.A. (Harper & Brothers.) This volume contains four lectures on the above-named subject, originally delivered at the Royal Institution of Great Britain. They are an attempt to render justice to whatever was great in Mohammed's character, and to what has been good in his influence on the world. The preface gives some interesting bibliographical information on the subject, and in the appendix we have Emanuel Deutsch's celebrated article on "Islam." 12mo, cloth, \$1.50.

PERFECT LOVE CASTETH OUT FEAR, by Katherine Sedgwick Washburn. (Lee & Shepard.) This story, like the others from Mrs. Washburn's pen, shows evidence of a great deal of foreign travel and observation. It is full of French and Italian characters, scenes, and talk. Even the Americans in it seem unfamiliar, partaking somewhat of the characteristics of the foreigners. It abounds in romantic incidents and long conversations, marked by the author's culture and artistic tendencies. 12mo, cloth, \$1.50.

SAFELY MARRIED! (Harper & Brothers.) Another novel, by the author of "Caste" and "Colonel Dacre." The usual English society novel, with a flirting wife and a jealous husband, and the usual consequences. 8vo, paper, 50 cents.

THE INVASION OF THE CRIMEA, Vol. III., by Alexander William Kinglake. (Harper & Brothers.) The "Battle of Inkerman" occupies this entire volume. The account of it, opening with the "combat of the Lesser Inkerman," is minute and exhaustive in the extreme. The volume contains several plans of the battle-field, and eight illustrations of different periods of the engagement. 12mo, cloth, \$2.

THE LIFE OF FATHER BERNARD, by P. Claessens. (Catholic Pub. Society.) The subject of this biography was a French missionary priest and a member of the congregation of the Most Holy Redeemer. The volume contains a history of his labors and of his short but glorious

career. 12mo, cloth, \$1.50. The same house has sent us two pamphlets, viz.: "Postscript to a Letter addressed to His Grace the Duke of Norfolk on occasion of Mr. Gladstone's Recent Expostulation, and in Answer to his 'Vaticanism,'" by John Henry Newman, D.D.; "A Tract for the Missions, on Baptism as a Sacrament in the Catholic Church," by Rev. M. S. Gross. 25 cents.

THE DIVINE TEACHER. (T. Whittaker.) A collection of the recorded oral teaching of our Lord during his ministry on earth, with no more of a connecting narrative than is necessary to explain the occasion of the sayings. The design of the compiler is to present them in a convenient form for reading for the use of all those who value them. 12mo, cloth, \$1. Also, from the same publisher: "Authorized Report of the Proceedings of the First Congress of the Protestant Episcopal Church in the United States." 8vo, paper, 50 cents.

LITTLE CLASSICS, edited by Rossiter Johnson. Vol. 9, COMEDY. (James R. Osgood & Co.) A new volume of this popular and dainty little series, containing Barney O'Reardon, the Navigator, by Samuel Lover;—Haddad-ben-Ahab, the Traveler, by John Galt;—Bluebeard's Ghost, by Wm. M. Thackeray;—The Picnic Party, by Horace Smith;—Father Tom and the Pope, by Samuel Ferguson;—Johnny Darbyshire, by William Howitt;—The Gridiron, by Samuel Lover;—The Box Tunnel, by Charles Reade. 24 mo, cloth, \$1.

RALPH WILTON'S WEIRD, by Mrs. Alexander (Henry Holt & Co.) Ella Rivers, the charming heroine of this novel, deserves a place among the creations of fiction that have become historical. She is without a counterpart in the novelist's world, and is sketched with a delicacy and grace which invests her with the most tender interest. The part she plays as Ralph Wilton's "weird" will meet with the satisfaction of every one. Though not as ambitious an effort as Mrs. Alexander's previous novels, it is as lovely a story as we have had from her gifted pen. "Leisure Hour Series." 16mo, cloth, \$1.25.

LOVE'S VICTORY, by B. L. Farjeon. (Harper & Brothers.) A very little pruning would make a first-class modern society drama of this story. It is already arranged in scenes, each one of which is worked up to a very intense and dramatic climax. The characters are strongly defined, and the plot simple and natural. 8vo, paper, 25 c.

LAKEY'S VILLAGE AND COUNTRY HOUSES. (Orange Judd Co.) These designs, eighty-four in number, handsomely printed on fine plate paper, are gathered together in book form from the *American Builder* as practical and popular and suitable for building cheap and attractive homes for people of limited means. Sq. 4to, cloth, \$6.

INTERLINEAR TRANSLATION OF THE SACRED SCRIPTURES, with Grammatical and Critical Notes, by Dr. Leonard Tafel, New-York; Dr. Rudolph L. Tafel, London; L. H. Tafel, Philadelphia. GREEK TEXT, Part IV. (Boericke & Tafel.) The design of this work has already been set forth at length in a former number of our paper. Single parts of the Old Testament sell for \$3, and of the New Testament for \$2. A difference is made to regular subscribers.

PAUL BREWSTER AND SON, by Helen E. Chapman; **NORMAN BRILL'S LIFE-WORK**, by Abby Eldridge. (Nat. Temperance Soc. and Pub. House.) Both of these stories are on intemperance, the evils resulting from which being strongly and vividly described. The volumes are neatly bound, and nicely gotten up. Each, 16mo, cloth, \$1.

Two little stories of a religious nature, from the Presbyterian Board of publication, namely, **THE PEDDLER OF LA GRAVE**, by Martha Farquharson, 18mo, cloth, 55 cents; and **THE DAWN OF LIGHT: A Story of the Zenana Mission**, by Mary E. Leslie, 18mo, cloth, 65 cents. Also a little pamphlet, "The Doctrines of Election Stated and Explained," by the Rev. David McKinney, D.D. 5 cents.

THE BIBLICAL MUSEUM, Vol. V., by James Comper Gray. (A. D. F. Randolph & Co.) In this is embraced the part of the New Testament from the Epistle of the Hebrews to the end of Revelation, with a collection of explanatory, homiletic, and illustrative notes, especially designed for the use of ministers, Bible students, and Sunday-school teachers. 12mo, cloth, \$1.50.

PHILIP'S SCRIPTURE ATLAS, by William Hughes. (A. D. F. Randolph & Co.) Twelve colored maps of portions of the Eastern world noted through Biblical history, presented in an exceedingly neat and handy style. 18mo, paper, 25 cents.

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THE AMERICAN TEMPERANCE CYCLOPEDIA of History, Biography, Anecdote, and Illustration, by Rev. J. B. Wakeley, D.D. (Nat. Temperance Soc. and Pub. House.) 12mo, cloth, \$2.

STATIONERY NOTES

A. L. BANCROFT & Co., San Francisco, have just published "Doxey's Housekeeping Book," containing ruled and printed forms for one year's expenses, arranged weekly, showing the amount expended for each article and the total amount received and paid during the week; also, a compiled family washing-book. The household expense-book contains an alphabetical list of all articles wanted, with a space for the amount paid for the same, is ruled for each day's expenditure, and contains a weekly summary. The washing-book contains an alphabetical printed list of articles sent to the laundry, with blank spaces to fill in the number, and is arranged under the heads of "Ladies," "Gentlemen's," "Children's," and "Household." The whole forms a complete book for one year, is handsomely bound in English book-cloth, gilt on side. This book has been compiled to meet an oft-expressed want for a compact account-book for household expenses, and is arranged with a view of simplifying the keeping of accounts. The utility of the book may be seen at a glance, and it is adaptable not only to those who are keeping house, but to those living in hotels and boarding-houses. Price, \$1.25, bound in English book-cloth.

LITERARY AND TRADE NEWS.

PROFESSOR BARTLETT'S "Letters on Eternal Punishment," revised and enlarged from their former shape in the *Congregationalist*, is shortly to be issued by the Congregational Publishing Society. The same Society will also soon have ready two other books: "The Old Mill," by Miss Chettis, designed to be the first of a series of stories illustrating natural history; and Dr. William Barrows's "Reminiscences of a Pastor," he being one of Massachusetts' oldest ministers.

WE have a prospectus of "the first really superb work ever devoted to an American city," a subscription part book announced by Allen, Lane & Scott and J. W. Lauderbach (Philadelphia), entitled "A Century After." It is intended to be "a pictorial representation of scenery, architecture, life, manners and character" of "Philadelphia and Pennsylvania, including Fairmount, the Wissahickon, and other romantic localities." It will be completed in fifteen semi-monthly parts, price fifty cents each.

MR. HEPWORTH DIXON has returned from America to England, and will publish a volume relating to the aborigines and half-breeds of this country.

"A MAD MARRIAGE" is to be the startling title of the third of the sensational novels May Agnes Fleming delights in; G. W. Carleton & Co. are to publish it next month.

A WORK of travel in a field little trodden of late is announced by Robert Clarke & Co., Cincinnati, in a "Journey in Honduras, and Jottings by the Way," by R. G. Huston, C.E.

MR. S. C. HALL is to publish another temperance tale in verse, entitled "An Old Story." The author, in his announcement, states that "he has tried to make the book broader and more comprehensive in details than its predecessor. Every page will be illustrated."

A COMPLETE abridgment of the debates in Congress, from 1850 (where Benton's debates closed) to 1875, is a work on which Mr. C. H. Jones, of New-York, is engaged.

G. P. PUTNAM'S SONS have taken charge of the publication of the Medical Register of New-York, Connecticut, and New-Jersey, and will issue the thirteenth volume during the summer. They will also have ready in May the volume containing the "Transactions for 1875 of the Medical Society of the State of New-York." A number of the papers comprising this will also be published by them separately as monographs.

ROBERTS BROS. are early in the field with their announcements for fall. Among them booksellers will hail with delight Miss Alcott's "Eight Cousins; or, the Auntill," for that means sales of 40,000 or 50,000 copies at the lowest calculation; and Jean Ingelow's new novel, "Fated to be Free," and Susan Coolidge's juvenile for Christmas time, "Nine Little Goslings," also promise to be very popular. Mr. Hamerton's "Round my House," descriptions of his home at Autun, France, in peace and war time, will commend itself to a wide circle of readers, and there remain for the little folks "Mice at Play," by Neil Forest; "Jolly Good Times," by P. Thorne; and "Six to Sixteen," by Juliana H. Ewing.

THE addition of vol. ix. brings "Cassell's History of England" down to 1871, and the publishers (Cassell, Petter & Galpin) use the opportunity to prepare a new and revised edition of the entire work. The new volume, among other things, alludes to the death of Prince Albert, the Alabama affair, American war, Schleswig-Holstein question, Franco-German war, etc., etc. The work is edited by William Howitt, J. I. Smith, and Edmund Ollier; is published in large 8vo size, profusely illustrated, and is retailed at \$5 a volume.

E. STEIGER has just issued, in black-walnut frames, Schedler's Relief Map of New-York City and environs, and Schedler's Relief Map of Boston and environs. They sell at \$2 each.

WE understand Mr. E. Steiger has obtained the agency in this country of "The Orthodox Catholic Review," of which volume IV, number 1, has just appeared. It is octavo size, and each number contains seventy-two pages of reading matter. Price, 75 cents per number.

A COMMITTEE representing the Commonwealth of Massachusetts has awarded the sum of \$1000 as a just payment for the editing of the Sumner memorial volume.

No other book sold out of Guizot's library brought so high a price as Commodore Wilkes's "Narrative of the United States Exploring Expedition."

A PAGE of the *Athenaeum* is occupied with an advertisement of a new English book, "Select Thoughts on the Ministry and the Church, etc.: Gathered from the Literary Treasures of all Times; Arranged for Immediate Consultation and Use, by the Rev. Dr. Davies." The page is chiefly covered by a list of above 800 authors, quoted from "among others."

THE new English Association to Protect the Rights of Authors has issued an elaborate address setting forth its purposes, which are to obtain a more satisfactory British copyright law, especially as regards the colonies, to protect authors' rights in translations, and also in the dramatization of novels, and to promote international copyright in general. The working committee consists of Mr. Tom Taylor (chairman), Mr. Wilkie Collins, Mr. Charles Dickens, Mr. B. L. Farjeon, Mr. Charles Gibbon, Mr. W. S. Gilbert, Mr. Joseph Hatton, Mr. John Hollingshead, M. Edward Jenkins, M.P., Mr. Blanchard Jerrold, Mr. Charles Reade, Mr. Moy Thomas (Hon. Sec.), Mr. Stewart Jenkins (Treasurer).

MR. WILLIAM BLACK is to contribute to the *Cornhill* a short story, to run through the next two numbers, in which some of the characters in the "Princess of Thule" will be preserved.

MESSRS. KEITH JOHNSTON & Co. have obtained a verdict of £1275 against the *Athenaeum*, for a review of an atlas issued by them. A ground of complaint was that the reviewer had gone outside the merits of the book into personalities against the firm. Dr. Norman M'Call, the editor of the *Athenaeum*, had put the book into the hands of Dr. Beke, the African traveler, for review, and the paper was of course held responsible for his opinions.

A SUCCESSFUL amateur dramatic performance was given at the St. James Theatre, London, last month, for the benefit of the Booksellers' Provident Institution.

It is promised that Dr. Farrar will follow up his "Life of Christ" with a "Life of St. Paul."

MR. SMALLEY, in his London letter to the *Tribune*, speaking of Mr. H. G. Bohn's sale of his collection of old china, says it was "not from want of money, as everybody knows, the old man having amassed a large fortune by book-publishing and bookselling. But he is now in his eightieth year. I heard of the old man on Monday, the first day of the sale, going about the book-shops, with a new book under his arm, for which he was soliciting orders, as if he were a young fellow just beginning business, instead of having relinquished it with a fortune of a quarter of a million, sterling. It is the last book of which he still owns the copyright; with all the rest of his vast stock he has parted. Mr. Bohn's testimony in favor of collecting is worth quoting:

"The pursuit and study of the fine arts in their various branches have been a source of constant enjoyment to me

in the intervals of business, and often a great solace and relief at trying periods, and this alone would be a pleasurable indemnification for my investments should they fail to be commercially reproductive. It is said that collectors usually have long lives, and I can not help feeling that the cheerful exercise of the mind and body which belongs to the pursuit warrants the assertion, and I hope in due time to say, *probatum est*."

This book collectors may apply to themselves, *ad lib*.

Death of Mr. John Harper.

AT the moment when going to press, the sad news reaches us that Mr. John Harper, the senior partner of Messrs. Harper & Bros, died on Thursday evening, at his residence, No. 234 Fifth avenue, in his seventy-ninth year.

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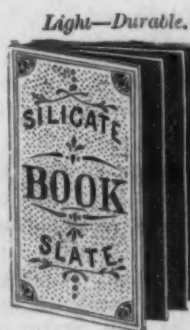
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